



# *Arizona Peace Officer Standards and Training Board*

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## **MINUTES OF THE AUGUST 15, 2018 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on August 15, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
Sergeant Chris Andreadola, Tucson Police Department  
Sergeant Leo Aparicio, Pinal County Sheriff's Office  
Sheriff Mark Dannels, Cochise County Sheriff's Office  
Chief Lawrence Hall, Buckeye Police Department  
Colonel Frank Milstead, Arizona Department of Public Safety  
Director Charles Ryan, Arizona Department of Corrections  
Chief Alan Rodbell, Scottsdale Police Department  
Mr. Richard Wooten, Public Member

### Members Absent:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Chief Byron Gwaltney, Pima County Sheriff's Department  
Mr. Andrew LeFevre, Grand Canyon University

### Staff in Attendance:

Jack G. Lane, Executive Director  
Billy Caldwell, Compliance Specialist  
Mike Deltenre, Compliance Specialist  
Marie Dryer, Program Administrator  
Cathy Hawse, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Steve Jacobs, Compliance Specialist  
Mike Orose, Compliance Specialist  
Mark Perkovich, Program Administrator  
Cynthia Sawyer, Training Compliance Specialist  
Sandy Sierra, Administrative Services Officer  
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Seth Hargraves

Jeanne Galvin

**A. Call to Order**

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Chief Hall to lead everyone in reciting the Pledge of Allegiance.

**B. Introductions, Presentations and Announcements**

*Jack G. Lane, Executive Director*

- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on the first five Final Action cases.
- Due to recent changes to the Open Meeting Law, Roll Call will be required effective today. For the record, there are four Board members absent today; Mr. Andrew LeFevre, Chief Byron Gwaltney, Assistant Attorney General Paul Ahler and one Board member vacancy.

**C. Executive Director’s Report**

*Jack G. Lane, Executive Director*

- There is nothing new to report.

**D. Consent Agenda**

Sheriff Dannels made a motion to accept the Consent Agenda. The motion was seconded by Director Ryan and passed unanimously.

1. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individual, without admitting to any misconduct, requests the Board accept his request to permanently relinquish his Arizona peace officer certification:

Jeffrey B. Wilson                      17-003                      Flagstaff Police Department

**E. Review and Discussion with Assistant Attorney General regarding Recent Changes to the Open Meeting Law**

Assistant Attorney General Seth Hargraves addressed the Board to discuss the recent changes to the Open Meeting Law. As a result of these changes, a Roll Call will be added at the beginning of the meeting to identify each member who is present. When a motion is made and seconded, those members must also be identified for the record. Once a matter has been voted on, the Chair should state the outcome to identify how each member voted. The changes also expanded the definition of a meeting. Email communications amongst a quorum could be considered a meeting; members should be cautious and refrain from exchanging emails with a quorum of members.

**F. Review, Discussion and Possible Action on Recommendation(s) from the Executive Director Selection Subcommittee**

Sheriff Dannels made a motion to go into executive session to discuss and review a personnel matter, confidential material and to receive legal advice regarding the recruitment, hiring and/or appointment of a new executive director. The motion was seconded by Director Ryan and passed unanimously. The Board went into executive session at 10:08 a.m.

The Board reconvened in open session at 10:23 a.m.

Sheriff Mark Dannels, Chairman of the Executive Director Selection Subcommittee, stated the Subcommittee met two days ago to review the resumes of the nine candidates who expressed interest in the position. He stated nine outstanding candidates applied for the position. After reviewing all resumes and evaluating the candidate's qualifications, the Subcommittee would like to recommend that Matthew Giordano be appointed as the AZ POST Executive Director, upon the retirement of current Director Jack Lane. The Subcommittee would also recommend the Board consider hiring Mr. Giordano into the vacant Deputy Director position until the retirement of Director Jack Lane; in order to allow for an orderly transition.

Sheriff Dannels made a motion to appoint Matthew Giordano as the Executive Director upon the successful completion of the background and polygraph; and that in the interim, he be appointed as the Deputy Director until the retirement of current Director Lane. The motion was seconded by Colonel Milstead and passed unanimously.

Matthew Giordano addressed the Board to express his gratitude. He knows there were many qualified candidates and is extremely grateful to the Board for his selection. He is excited and looking forward to working with the Board to push the mission of the Board.

**G. Final Action Cases:**

1. #15-160 – Gonzalo P. Mata Jr. – Kearny Police Department

The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officer Standards and Training Board, and Mr. Steven Serbalik, attorney for Gonzalo P. Mata Jr. AAG Hargraves stated there are two modifications needed due to the incorrect time listed in Findings of Fact #24 and the incorrect time of day listed in Findings of Fact#26; these two findings need to be modified to reflect the correct times. Mr. Serbalik agreed to these modifications.

The Board received independent legal advice from Assistant Attorney General Jeanne Galvin.

Sergeant Aparicio made a motion to accept the ALJ's Findings of Fact, as modified, and Conclusions of Law, and revoke Mr. Mata's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

2. #18-058 – Kyle R. Audis – Prescott Police Department

*Chairman Mascher recused himself from this case.* Chief Rodbell was acting chair. The Board considered comments from Assistant Attorney General Seth Hargraves, Compliance Specialist Mike Deltenre and Mr. Audis.

The Board received independent legal advice from Assistant Attorney General Jeanne Galvin.

Sergeant Aparicio made a motion to accept the proposed Consent Agreement, Decision and Order for a 6-month suspension of Mr. Audis' peace officer certification. The motion failed due to lack of a second.

Colonel Milstead made a motion to reject the proposed Consent Agreement, Decision and Order and close this case with No Action with Agency Discretion. The motion was seconded by Sergeant Andreacola and passed with one nay vote recorded for Sergeant Aparicio.

3. #18-072 – Kyle O. Arnett – Huachuca City Police Department

*Sheriff Dannels recused himself from this case.* The Board considered comments from Assistant Attorney General Seth Hargraves, Lt. Joseph Glowacki of the Huachuca City Police Department and Mr. Arnett. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order and impose a 3-day suspension of Mr. Arnett's peace officer certification. The suspension shall be in effect from May 30, 2018 through June 1, 2018. The motion was seconded by Sergeant Aparicio and passed with one nay vote recorded for Chief Hall.

4. #17-123 – Juan Jose Chavez-Muñoz Jr. – Phoenix Police Department

*Chief Rodbell recused himself from this case.* The Board considered comments from Assistant Attorney General Seth Hargraves and Kathryn Baillie, attorney for Mr. Chavez-Muñoz. After Ms. Baillie's comments, AAG Hargraves stated the Board should reject the Consent Agreement due to Ms. Baillie's statements that the stipulated facts are wrong. Sheriff Dannels made a motion to reject the Consent Agreement, Decision and Order and refer the case to hearing. The motion was seconded by Sergeant Aparicio and failed by a vote of 3-4; with four nay votes recorded for Colonel Milstead, Chief Hall, Sergeant Andreacola and Mr. Wooten.

Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for a 1-year suspension of Mr. Muñoz's peace officer certification. The suspension shall be in effect from July 17, 2017 through July 17, 2018. The motion was seconded by Sergeant Andreacola and passed by a vote of 4-3; with three nay votes recorded for Sergeant Aparicio, Director Ryan and Sheriff Dannels.

5. #16-156 – Richard G. Pina – Phoenix Police Department  
The Board considered comments from Assistant Attorney General Seth Hargraves and Compliance Specialist Steve Jacobs. The case was placed on hold until more information could be provided. Upon further review of the information provided, Chief Rodbell made a motion to reject the Consent Agreement, Decision and Order for a 3-year suspension of Mr. Pina's peace officer certification and send the case back to hearing or for voluntarily relinquishment. The motion was seconded by Colonel Milstead and passed unanimously.
6. #18-004 – James R. Feddema – Tucson Police Department  
*Sergeant Andreacola recused himself from this case.* The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Feddema's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
7. #18-048 – Manuel Espinoza – Pima County Sheriff's Department  
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Espinoza. The motion was seconded by Chief Rodbell and passed unanimously.
8. #18-018 – Kevin J. Duschl – Surprise Police Department  
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Duschl's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
9. #17-115 – Ryan A. Bakke – Peoria Police Department  
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Bakke's peace officer certification until July 26, 2020; at which time his certification will lapse. The motion was seconded by Colonel Milstead and passed unanimously.

#### H. New Charging Cases:

1. #18-078 – Kendall M. Drake – Mammoth Police Department  
The Board considered comments from Compliance Specialist Billy Caldwell. Sergeant Aparicio made a motion to *Initiate Proceedings* against Ms. Drake's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

2. #17-187 – Mark P. Mann – Buckeye Police Department  
*Chief Hall recused himself from this case.* The Board considered comments from Compliance Specialist Billy Caldwell. Colonel Milstead made a motion, based on paragraph #5 from the case over, to ***Initiate Proceedings***; and to include rule violations of R13-4-109(A)(2, 8 and 12). The motion was seconded by Director Ryan and passed unanimously.
3. #18-011 – Christy J. Talkalai – San Carlos Tribal Police Department  
The Board considered comments from Compliance Specialist Billy Caldwell. Director Ryan made a motion to ***Initiate Proceedings*** against Ms. Talkalai’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
4. #18-050 – Donald M. Host Jr. – Goodyear Police Department  
The Board considered comments from Compliance Specialist Arlene Heckel. Chief Rodbell made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Colonel Milstead and passed unanimously.
5. #18-075 – Clausell Ray – AZ Department of Transportation - ECD  
The Board considered comments from Compliance Specialist Mike Orose. Chief Rodbell made a motion to ***Initiate Proceedings*** to deny Mr. Ray peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
6. #18-074 – Joey C. Castellanos – Gila River Police Department  
The Board considered comments from Compliance Specialist Mike Orose. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Sergeant Aparicio and passed unanimously.

**I. Future Agenda Items**

There are no items to add.

**J. Adjournment**

The meeting was adjourned at 12:10 p.m.